
GARDEN CITY BOXING CLUB, INC.

Plaintiff,

AMENDED VERIFIED ANSWER

-against-

Case No.: 07-cv-4712

AMAZONAS RESTAURANT INC., d/b/a
AMAZONAS RESTAURANT and
GEREMIAS L. DONES,
And WALTER GINN
And NELLY CAMPOVERDE

Defendants.

Defendants, Amazonas Restaurant Inc. d/b/a Amazonas Restaurant and Walter
Ginn, by their Attorneys, Altman & Altman, Esqs., as and for their Verified Answer to the
Plaintiff's Verified Complaint, sets forth and alleges the following:

1. Denies each and every allegation contained in paragraphs of the
Complaint marked, numbered, and designated "15", "16", "17", "18", "20", "23", "27", "30",
"31", "32", "33", "34", "35", and "36".
2. Lacks sufficient knowledge and information to form a belief as to each
and every allegation contained in paragraphs of the Complaint, marked, numbered and
designated "1", "2", "3", "4", "7", "8", "9", "10", "11", "12", "13", "14", "19", "22", "24", "25",
"26" and "29".
3. As to paragraph marked and numbered "6", the Defendant admits that as
of November 5, 2005, the Defendant, Geremias L. Dones, was no longer the owner of Amazonas
Restaurant Inc., d/b/a Amazonas Restaurant.

4. Defendants hereby incorporates by reference all of the allegations contained in paragraphs 1, 2 and 3 above mentioned, as though set forth herein at length, as to each and every allegation contained in paragraphs of the Complaint, marked, numbered and designated "21" and "28".

AS AND FOR A 1ST AFFIRMATIVE DEFENSE

6. That any claim or cause of action against this individual Defendant is improper, as the Defendant had nothing to do with the Defendants nor the subject location, on or about June 5, 2007.

AS AND FOR A 2nd AFFIRMATIVE DEFENSE

7. That the Plaintiff has failed to set forth a claim or cause of action against this answering Defendant, upon which any type of relief can be granted, with the individual Defendant protected by the corporate veil of the co-Defendant Corporation, assuming, arguendo, the Defendant was connected with said entity, which it was not, as his contact occurred as of November 5, 2005.

AS AND FOR A 1st CROSS-CLAIM

3. That these Co-Defendants, "Amazonas" and "Ginn" accepted the subject stock and business in good faith from Geremias L. Dones who breached the implied duty of good faith..

AS AND FOR A 2nd CROSS-CLAIM

5. If Plaintiff sustained the injuries and damages in the manner and at the time and place alleged, and if it is found that these Defendants are liable and then said answering Defendant(s) are

verdict or judgment that Plaintiff may recover against said answering Defendant.

AS AND FOR A 3rd CROSS-CLAIM

6. That these answering Defendants herein demand that the liability, if any, be apportioned and, therefore, the Co-Defendants will be liable to the answering Defendants in the event judgment is recovered by Plaintiff in an amount equal to the excess over and above this answering Defendant's equitable share of the judgment. The equitable share of the judgment of the answering Defendant will be determined in accordance with the relative culpability of the aforementioned Co-Defendant(s), Amazonas Restaurant Inc., d/b/a Amazonas Restaurant and Geremias L. Dones, and Walter Ginn and Nelly Campoverde.

WHEREFORE, it is respectfully requested that Plaintiff's Complaint be denied and dismissed.

DATED: BRONX, NEW YORK
August 2007

s/s Joseph A. Altman, Esq.
Joseph A. Altman, Esq. (JAA4290)
ALTMAN AND ALTMAN, ESQS.
Attorneys for Defendant
Amazonas Restaurant Inc. d/b/a
Amazonas Restaurant and Walter Ginn
1009 East 163rd Street
Bronx, New York 10459
(718) DA8-0422

TO: Paul J. Hooten & Assoc.
Attorneys for Plaintiff
5505 Nesconset Highway, Suite 203
Mount Sinai, New York 11766

Barry R. Fertel, Esq.
Attorney for Defendant – Dones
270 Hall Avenue, 7th Floor
New Rochelle, New York 10801

Nelly Campoverde
Pro Se Defendant
10 Howard Street
Sleepy Hollow, New York 10591

certification
by Attorney
Attorney's
affirmation

certify that the within
has been compared by me with the original and found to be a true and complete copy.
state that I am
the attorney(s) of record for
action; I have read the foregoing
to my knowledge, except as to the matters therein
alleged to be on information and belief; and as to those matters I believe it to be true.
The reason this verification is made by me and not by

in the within
and know the contents thereof; the same is true

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:
I affirm that the foregoing statements are true, under the penalties of perjury.

The name signed must be printed beneath

DATED:

STATE OF NEW YORK, COUNTY OF BRONX

SS:

I, the undersigned, being duly sworn, depose and say: I AM THE Defendant

X individual verification in the action; I have read the foregoing AMENDED ANSWER

and know the contents thereof; the same is true to my own
knowledge, except as to the matters therein stated to be alleged on information and belief,
and as to those matters I believe it to be true.

X corporation verification

the President of Amazonas Restaurant Inc.
a domestic corporation and a party in the within action; I have
read the foregoing ANSWER and know the contents thereof; the same is true to my knowledge, except as to the matters therein
stated to be alleged upon information and belief; and as to those matters I believe it to be true. This verification is made by me because
the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on the 30 day of August, 2007

Walter Ginn

The name signed must be printed beneath

WALTER GINN

STATE OF NEW YORK, COUNTY OF BRONX ss:

(if more than one box is checked - indicate after names type of service used)

The undersigned Attorney and Counsellor-at-law, duly admitted to practice law in the Courts of the State of New York, affirms,
under the penalty of perjury that:

On 9/4 2007
service by mail

I served the within AMENDED ANSWER
by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and
custody of the U.S. Postal Service within the New York State addressed to

Personal service on an individual

by delivering a true copy of each personally to each person named below at the address indicated. I know
each person served to be the person mentioned and described in said papers as a party therein.

Service by electronic means

by transmitting a copy to the following persons by FAX at the telephone number set forth after each name below
E-Mail address set forth after each name below, which was designated by the attorney for such purpose,
and by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody
of the U.S. Postal Service within the New York State to the address set forth after each name.

Overnight Delivery Service

by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after
each name below.

Paul J. Hooten & Assoc.
Attorneys for Plaintiff
5505 Nesconset Highway,
Suite 203
Mount Sinai, New York
11766

Barry R. Fertel, Esq.
Attorney for Defendant - Dones
270 Hall Avenue, 7th Floor
New Rochelle, New York 10801

Nelly Campoverde
Pro Se Defendant
10 Howard Street
Sleepy Hollow, New York
10591

Joseph A. Altman

s/s Joseph A. Altman, Esq.

the name signed must be printed beneath

Joseph A. Altman, Esq. (JAA4290)

Affirm on the
21 day of August

2007

GARDEN CITY BOXING CLUB, INC.

Plaintiff,

-against-

Case No.: 07-cv-4712

AMAZONAS RESTAURANT INC., d/b/a
AMAZONAS RESTAURANT and
GEREMIAS L. DONES
And WALTER GINN
And NELLY CAMPOVERDE

Defendants.

AMENDED VERIFIED ANSWER

ALTMAN AND ALTMAN, ESQS.

Attorney(s) for
Defendant – Walter Ginn
1009 East 163rd Street
Bronx, N.Y. 10459
(718) DA8-0422

Service of a copy of the within
is hereby admitted.

TO:

Dated:

Attorney(s) for

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the
within named court on

Dated:

Yours, etc.

Attorney for

Altman and Altman, Esqs.
1009 East 163rd Street
Bronx, N.Y. 10459

☐ NOTICE OF SETTLEMENT

that an order of which the within
is a true copy will be presented to the
Hon. one of the judges of the
within named Court, at
on at M.

Dated:

Yours, etc.

Attorney for

Altman and Altman, Esqs.
1009 East 163rd Street
Bronx, N.Y. 10459

ATTORNEY'S CERTIFICATION

JOSEPH A. ALTMAN, ESQ. , an attorney duly admitted to the Courts of the state of New York, hereby certifies that the annexed RULE 7.1 is to the best of my knowledge and upon information and belief, formed after an inquiry reasonable under the circumstances, that the presentation of said papers or contentions therein are not frivolous as defined in subsection (c) of section 130-1.1 of 22 NYCRR.